

IN THE SUPREME COURT  
OF THE  
STATE OF SOUTH DAKOTA

\* \* \* \*

IN THE MATTER OF THE AMENDMENT            )                    RULE 22-01  
SDCL 15-5A-1                                 )  
  )

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A hearing was held on November 9, 2021, at Pierre, South Dakota, relating to the amendment of SDCL 15-5A-1 and the Court having considered the proposed amendment, oral presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 15-5A-1 be and it is hereby amended to read in its entirety as follows:

**SDCL 15-5A-1. General provisions.**

Whenever a proceeding in civil or criminal court is permitted under these rules to be conducted by interactive audiovisual device, the device shall enable a judge or magistrate to see and converse simultaneously with the parties, their counsel or other persons including witnesses. The interactive audiovisual signal shall be transmitted live and shall be secure from interception through lawful means by anyone other than the persons participating in the proceeding.

Parties and witnesses appearing by means of an interactive audiovisual device at proceedings authorized under this chapter to be conducted by such device are deemed to be present at the proceedings. Proceedings conducted by interactive audiovisual device under this chapter are also deemed to be conducted in open court unless otherwise closed to the public pursuant to statute.

A judge or any other person authorized by law to administer oaths may administer an oath to a witness who is not personally present but who is appearing by means of the interactive audiovisual device. The provisions of SDCL § 22-29-1 shall apply even though the person taking the oath was not personally present before the person administering the oath, and prosecution for perjury shall take place in the jurisdiction of the tribunal receiving the interactive audiovisual testimony.

**RULE 22-01**

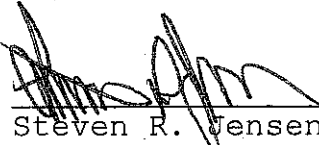
If ~~a party~~ parties and their counsel are at different locations, arrangements must be made so that they can communicate privately. Facilities must be available so that any documents filed or referred to during the interactive audiovisual communication, or required to be provided to a defendant party, his or her counsel, or a witness prior to or during the proceeding, may be transmitted electronically, including, but not limited to, facsimile, personal computers, other terminal devices, and local, state, and national data networks. Any documents furnished by means of such an electronic data transmission may be served or executed by the person to whom it is sent, and returned in the same manner, and with the same force, effect, authority, and liability as an original document. All signatures on the electronic data transmissions shall be treated as original signatures.

Nothing contained herein shall be construed as affecting a defendant's right to waive counsel.

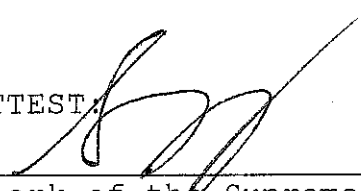
IT IS FURTHER ORDERED that this rule shall become effective February 1, 2022.

DATED at Pierre, South Dakota, this 5th day of January, 2022.

BY THE COURT:

  
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Steven R. Jensen, Chief Justice

ATTEST

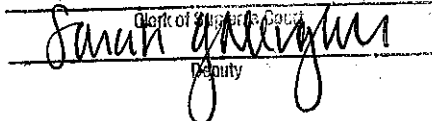
  
\_\_\_\_\_  
Clerk of the Supreme Court  
(SEAL)

SUPREME COURT  
STATE OF SOUTH DAKOTA  
FILED

JAN -5 2022

  
Clerk

STATE OF SOUTH DAKOTA  
In the Supreme Court  
I, Shirly A. Jameson-Fryzel, Clerk of the Supreme Court of  
South Dakota, hereby certify that the within instrument is a true  
and correct copy of the original thereof as the same appears  
on record in my office. In witness whereof, I have hereunto set  
my hand and affixed the seal of said court at Pierre, S.D. this  
5 day of JAN 20 22

  
\_\_\_\_\_  
Sarah Johnson  
Deputy  
Clerk of Supreme Court